

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eliel Villa-Aleman	Examiner: Unknown
Serial No.: 09/578,662	Group Art Unit: 2721
Filed: 05/25/2000	Attorney Dock. No. 020092.00050
Title: LED Intense Headband Light Source for Fingerprint Analysis	(SRS 99-053)

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PETITION TO MAKE SPECIAL

Applicant by his attorney hereby submits this *Petition To Make Special* application referenced above, pursuant to 37 C.F.R. § 1.102. The primary basis for this petition is the fact that Applicant has been advised that a first Office Action on this application is not anticipated until at least December 2003. Because this regular utility application was accorded a filing date of 25 May 2000, it will be more than three and one-half years between the date of filing and the earliest expected date of a first Action. Due to this long delay, Applicant and his assignee Westinghouse Savannah River Company have been deprived of opportunities to license or otherwise exploit this technology. Applicant respectfully requests that this petition be granted, and that examination of this application be advanced immediately. This petition is accompanied by an authorization to debit Applicant's attorney's deposit account for the amount required under 37 C.F.R. § 1.17(h).

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Remarks

This application for a regular utility application was filed 25 May 2000. The application was accompanied by an assignment from the inventor to Westinghouse Savannah River Company (WSRC), for which assignment a Recordation of Assignment

has been received. This petition is filed on behalf of both the named inventor and WSRC as his assignee.

The application was filed with nineteen (19) claims, which Applicant submits are all directed to a single invention. After approximately one (1) year, Applicant's attorney submitted a request for status of the application. A response from the Customer Service Office of Technology Center 2600 in about August 2001 stated that a first Action was expected by about March 2002. When no Action was received in about May 2002, Applicant's attorney made several telephone calls attempting to determine when an Action might be received. At that time, Applicant was advised that an Action was expected about nineteen (19) months from the date of inquiry, which meant that an Action would issue about December 2003. Applicant's attorney later, in about October 2002, had a telephone conversation with Ms. Catherine Kirik at the USPTO. Applicant very much appreciates Ms. Kirik's efforts to determine the status of the application, but learned that she was unable to do more than confirm the December 2003 estimated time.

Applicant and his assignee have suffered prejudice due to the delay in examination of this application. They have devoted substantial time and resources to develop the subject invention and to prepare a proper application for patent. In so doing, they had a reasonable expectation that the application would receive timely action from the USPTO. This expectation has proven incorrect.

The long pendency of this application has prevent Applicant and his assignee from efforts to exploit the invention. While not able to produce the subject invention, WSRC as assignee has attempted to license the invention. Although certain

commercial concerns have expressed potential interest in obtaining a license, they have been unwilling to execute a license until some indication of patentability, and hence enhanced value, has been provided. In the absence of any examination by the USPTO, WSRC has been unable to provide any indication as to the ultimate patentability of the invention. Indeed, this lack of information, and the consequent lack of any potential licensees, led to a determination to abandon an application filed under the Patent Cooperation Treaty for potential patent protection in other countries.

As further bases in support of this petition, Applicant submits the following. This application appears to qualify for special status pursuant to MPEP § 708.02(VIII) (Special Examining Procedure For Certain New Applications – Accelerated Examination) relating to petitions under 37 C.F.R. § 1.102. In accordance therewith, this petition has been filed. Further, Applicant believes that all claims presented in the application are directed to a single invention. Applicant has filed Information Disclosure Statements with respect to all of the art of which he is aware, including certain art discovered well after the filing date of the application. Also, should it be determined by an Examiner that election is required, Applicant will make an election without traverse. Because as of the date of this petition no examination of this application has been made, this application and petition comply with the requirements of MPEP § 708.02 (VIII). Applicant and assignee will comply with the procedures set forth in this section for accelerated examination.

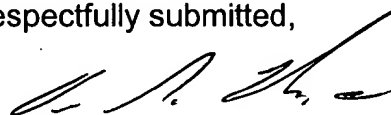
Moreover, Applicant urges that this application may also be subject to special status pursuant to MPEP § 708.02(XI) (Inventions For Countering Terrorism). In at least one aspect of the subject invention, the invention relates to a device to enable law

enforcement officers to more quickly and easily determine the presence of fingerprints and similar indicia in the field. While this is not a preventive device or measure for acts of violence, it is apparatus that includes within its scope a potential law enforcement tool. Use of the tool may enable law enforcement and counterterrorism personnel in investigations prior to and following any suspected activities. Advancement of the prosecution of this application may enhance the opportunities to make the invention available for such uses.

Conclusion

The subject application, conforming with all the requirements pertaining to a regular utility application, has now been pending without action by the USPTO for almost three (3) years. This pendency has prejudiced Applicant and his assignee, and is contrary to the policies of the USPTO. For this reason alone, this petition should be granted. Moreover, it is submitted that this application falls within at least two categories of inventions specified by the MPEP as deserving of special treatment. Applicant is prepared to comply with all requirements for such treatment, and respectfully requests that this petition be granted immediately.

Respectfully submitted,



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